

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

DALE R. KINNEY,)	
)	
Claimant,)	IC 01-023050
)	03-000628
v.)	
)	ORDER
LEA ELECTRIC, LLC.,)	
)	Filed June 1, 2005
Employer,)	
)	
and)	
)	
INSURANCE COMPANY OF THE WEST,)	
)	
Surety,)	
)	
and)	
)	
ADVANTAGE WORKERS')	
COMPENSATION INSURANCE)	
COMPANY,)	
)	
Surety,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Michael E. Powers submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendation of the Referee. The Commission concurs with this recommendation. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant has proven his entitlement to permanent partial disability benefits of 40% of the whole person inclusive of his 11% whole person permanent partial impairment.

2. ICW is responsible for 85% and Advantage is responsible for 15% of Claimant's permanent partial disability pursuant to Idaho Code § 72-406.

3. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this __1st__ day of __June__, 2005.

INDUSTRIAL COMMISSION

____/s/_____
Thomas E. Limbaugh, Chairman

____/s/_____
James F. Kile, Commissioner

____/s/_____
R. D. Maynard, Commissioner

ATTEST:

____/s/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the __1st__ day of __June__, 2005, a true and correct copy of the **ORDER** was served by regular United States Mail upon each of the following:

HUGH MOSSMAN
611 W HAYS ST
BOISE ID 83702

THOMAS MUNSON
PO BOX 199
BOISE ID 83701

R DANIEL BOWEN
PO BOX 1007
BOISE ID 83701-1007

____/s/_____

ge